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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------------|
| 10/606,628 | 06/26/2003 | Junichi Yamagishi | F-7876 | 5083 |
| 28107 7590 09/06/2007 JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168 | | | EXAMINER PRAKASAM, RAMYA G | |
| | | | ART UNIT 3651 | PAPER NUMBER |
| | | | MAIL DATE 09/06/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/606,628

Applicant(s)

YAMAGISHI, JUNICHI

Examiner

Ramya G. Prakasam

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to..See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/7/2007 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 112

3. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 1 recites the limitation "the line" where no line was previously defined. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3651

6. Claims 1-2, 9-10, and 13-14 rejected under 35 U.S.C. 102(e) as being anticipated by Prentice (U.S. Patent No. 6,688,458).

Prentice discloses an apparatus for supporting objects to identify, comprising:

- An imaging device (305);
- A moving belt (106);
- A [line] (22a-d) tensioned across the photographing section in the object transporting direction (See Figure 1)
- The line being disposed between the imaging device and the objects (See Column 5, lines 14-20);
- The line being disposed opposing the moving belt such that the objects are retained between the line and the moving belt at least in the photographing section whereat the imaging device images the objects (See Column 3, lines 35-42).
- A frame configured to be detachably attached to the photographing section and having a photographing window across which the line is stretched (See Figures 1 and 4);
- Upstream and downstream guides arranged at upstream and downstream sides of the photographing window, respectively, configured to support the line (See Figures 1 and 4)
- A plurality of belts and lines are arranged in parallel with one another with the lines being distanced from one another to support and transport the objects (See Figures 1 and 4);

Prentice further discloses an apparatus for conveyor and imaging objects, comprising:

Art Unit: 3651

- An imaging device (305);
- A moving belt (106);
- A frame structure (See Figures 1 and 4) disposed at a framed area;
- A line (22a-d) tensioned across said frame area by said frame structure so as to be taught;
- Said line being disposed between said imaging device and said objects (See Figures 1 and 4);
- Said line being disposed opposing said moving belt such that said objects are retained between said line and said moving belt in said frame area (See Column 3, lines 35-42);
- Said frame structure being detachably attached to the imaging device and having a photographing window across which the line is stretched (See Figures 1 and 4);
- Upstream and downstream guides arranged at upstream and downstream sides of the photographing window as defined by a transport direction of said moving belt, said line being held tensioned by said upstream and downstream guides (See Figures 1 and 4);
- A slide face formed at least on the upstream guide and configured to face the moving belt (See Figure 4);
- A recess formed in the slide face, configured to receive the line, each of the objects transported by the moving belt to the imaging device being guided along the slide face on the upstream side of the photographing window toward the line and the

Art Unit: 3651

moving belt so that the object is supported between the line and the moving belt (See Figures 1 and 4);

- A plurality of moving belts which include said moving belt (See Figure 4 – held together by 104);
- A plurality of lines which include said line (See Figure 1);
- Said lines and said moving belts being arranged in parallel with one another with the lines being distanced from one another to support and transport the objects (See Figures 1 and 4);

Re Claims 13 and 14 – the frame is a structure.

Claim Rejections - 35 USC § 103

7. Claims 3-4, 11-12, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prentice.

Prentice discloses all claim limitations. It however does not explicitly disclose that the objects be flat and having disk shapes of different diameters. However, a change in the shape and size of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) and In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the shape and size of the conveyed objects in Prentice as a design consideration.

8. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prentice in view of Martin (U.S. Patent No. 6,196,371).

Art Unit: 3651

Martin discloses all claimed limitations, except for the use of a string as the linear material. Martin discloses the use of a string (2106a, b, c) for the purpose of supporting the coins as they come down the conveying structure (See Column 14, lines 28-30). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Rasmussen by utilizing a string for the purpose of supporting the coins as they come down the conveying structure.

Response to Arguments

9. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramya G. Prakasam whose telephone number is (571) 272-6011. The examiner can normally be reached on Monday - Thursday, 8:30am-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/4/2007
RGP


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER